

REMARKS

In view of the foregoing amendments and the following representations, reconsideration and allowance of the above-identified application is respectfully requested.

Applicants would like to thank the Examiner for his time and efforts extended to the undersigned during the various telephone discussions regarding proposed amendments to the claims.

In the Office Action, the Examiner rejected the claims because the transitional phrase “consisting essentially of” was deemed to be new matter.

The phrase “consisting essentially of” was added to claims 1 and 20 in the September 10, 2007 Amendment. The phrase “consisting essentially of” was added to distinguish the claims from Vergez et al., United States Published Patent Application No. 2006/0204578 (“Vergez”). Vergez disclosed a dosage form with at least two active pharmaceutical ingredients in the core. The phrase “consisting essentially of” was added to indicate the core of the claimed invention contain only one active pharmaceutical ingredient.

Although Applicants do not agree with the rejection contained in the February 26, 2009 Office Action, Applicants are amending claims 1 and 20 to remove the term “consisting essentially of” and indicating that the core contains only one active pharmaceutical ingredient, metformin hydrochloride. Support for the amendment can be found in the claims as originally filed, page 3, line 26 to page

4, line 16 of the specification and Examples 1-6 on pages 13-27 of the specification.

Based upon the foregoing amendments and representations, Applicants respectfully request that the rejection of the claims in the above-identified application be withdrawn. Early and favorable action is earnestly solicited.

The Examiner is also invited to telephone the undersigned if any further actions are required to obtain allowance.

Respectfully submitted,

/martin p. endres/

Martin P. Endres
Reg. No. 35,498

MAILING ADDRESS:

HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, NY 10036-2601
(212) 302-8989